

communities. The communities of Kaktovik, Gambell, Kotzebue, Shishmaref, and Point Lay, Alaska, participated in this public hearing via teleconference. The public hearings were attended by a total of approximately 305 people.

In addition, the Secretary of the Interior, at the time the proposal to list the polar bear as a threatened species was announced, asked the U.S. Geological Survey (USGS) to assist the Service by collecting and analyzing scientific data and developing models and interpretations that would enhance the base of scientific data for the Service's use in developing the final decision. On September 7, 2007, the USGS provided the Service with its analyses in the form of nine scientific reports that analyze and integrate a series of studies on polar bear population dynamics, range-wide habitat use, and changing sea ice conditions in the Arctic. The Service, in turn, reopened the public comment period on September 20, 2007 (72 FR 53749), for 15 days to notify the public of the availability of these nine reports, to announce our intent to consider the reports in making our final listing determination, and to ask the public for comments on the reports. On the basis of numerous requests from the public, including the State of Alaska, the public comment period on the nine reports was extended until October 22, 2007 (72 FR 56979).

While some commenters provided extensive technical comments on the reports, a thorough evaluation of comments received found no significant scientific disagreement regarding the adequacy or accuracy of the scientific information used in the reports. In general, comments on the nine reports raised the following themes: assertions that loss of sea ice reflects natural variability and not a trend; current population status or demographics do not warrant listing; new information justifies listing as endangered; and additional information is needed because of uncertainty associated with future climate scenarios. Commenters also re-iterated concerns and issues raised during the public comment period on the proposed rule. New, supplementary information became available following publication of the proposed rule that supports the climate models used in the nine USGS reports, and helps clarify the relative contribution of natural variability in future climate scenarios provided by the climate models. Comments on the significance of the status and demographic information helped clarify our analyses. We find that the USGS

reports, in concert with additional new information in the literature, clarify our understanding of polar bears and their environment and support our initial conclusions regarding the status of the species. We believe the information presented by USGS and other sources provides a broad and solid scientific basis for the analyses and findings in this rule. Technical comments received from the public on the USGS reports and our responses to those comments are available on our website at: <http://alaska.fws.gov/fisheries/mmm/polarbear/issues.htm>.

During the public comment periods, we received approximately 670,000 comments including letters and post cards (43,513), e-mail (626,947), and public hearing testimony (75). We received comments from Federal agencies, foreign governments, State agencies, Alaska Native Tribes and tribal organizations, Federal commissions, local governments, commercial and trade organizations, conservation organizations, non-governmental organizations, and private citizens.

Comments received provided a range of opinions on the proposed listing, as follows: (1) unequivocal support for the listing with no additional information included; (2) unequivocal support for the listing with additional information provided; (3) equivocal support for the listing with or without additional information included; (4) unequivocal opposition to the listing with no additional information included; and (5) unequivocal opposition to the listing with additional information included. Outside the public comment periods, we received an additional approximately 58,000 cards, petitions, and letters pertaining to the proposed listing of the polar bear as a threatened species. We reviewed those submissions in detail for content and found that they did not provide information that was substantively different from what we had already received. Therefore, we determined that reopening the comment period was not necessary.

To accurately review and incorporate the publicly-provided information in our final determination, we worked with the eRulemaking Research Group, an academic research team at the University of Pittsburgh that has developed the *Rule-Writer's Workbench* (RWW) analytical software. The RWW enhanced our ability to review and consider the large numbers of comments, including large numbers of similar comments, on our proposed listing, allowing us to identify similar comments as well as individual ideas,

data, recommendations, or suggestions on the proposed listing.

Peer Review of the Proposed Rule

In accordance with our policy published on July 1, 1994 (59 FR 34270), we solicited expert opinion on information contained in the proposed rule from 14 knowledgeable individuals with scientific expertise that includes familiarity with the polar bear, the geographic region in which the polar bear occurs, Arctic ecology, climatology, and Traditional Ecological Knowledge (TEK). The selected polar bear specialists included scientists from all polar bear range countries, and who work in both academia and in government. The selected climate scientists are all active in research and published in Arctic climate systems and sea ice dynamics. We sought expertise in TEK from internationally recognized native organizations.

We received responses from all 14 peer reviewers. Thirteen peer reviewers found that, in general, the proposed rule represented a thorough, clear, and balanced review of the best scientific information available from both published and unpublished sources of the current status of polar bears. The one exception expressed concern that the proposed rule was flawed, biased, and incomplete, that it would do nothing to address the underlying issues associated with global warming, and that a listing would be detrimental to the Inuit of the Arctic. In addition, peer reviewers stated that the background material on the ecology of polar bears represents a solid overview of the species' ecology relevant to the issue of population status. They also stated that information about the five natural or manmade factors that may already have affected polar bear populations, or may affect them in the future, is presented and evaluated in a fair and balanced way and is based on scientifically sound data. They further stated that the information as presented justified the conclusion that polar bears face threats throughout their range. Several peer reviewers provided additional insights to clarify points in the proposed rule, or references to recently-published studies that update material in the proposal.

Several peer reviewers referenced the *Fourth Assessment Report of the Intergovernmental Panel on Climate Change* (IPCC AR4). Reports from Working Groups I, II, and III of the IPCC AR4 were published earlier in 2007, and the AR4 Synthesis Report was released in November 2007. The Working Group I report updates information in the proposed rule with considerable new observational information on global